

City Council Agenda

Council President
Mike Dages

Councilmembers

Tom Boyajian
Brian Calhoun
Jerry Duncan

Henry T. Perea
Cynthia Sterling
Larry Westerlund

City Manager
Andrew T. Souza

City Clerk
Rebecca E. Klisch, CMC

City Attorney
Hilda Cantú Montoy

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650

The City Council welcomes you to this meeting.

NOVEMBER 15, 2005

If you would like to speak fill out a speaker request form available from the City Clerk's Office and in the Council Chambers. The agenda is available on (www.ci.fresno.ca.us). The Council meeting can also be heard live at the same web site address, and viewed live on Cable Channel 96 from 8:30 a.m. p.m. and re-played beginning at 8:30 p.m.

8:30 A.M. ROLL CALL

CLOSED SESSION

A. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, Subdivision (a)

1. **Case Name:** Dupont Commercial Flooring Systems, Inc. etc. v. City of Fresno, Mauldin-Dorfmeier Construction Inc., et al. and consolidated and cross-actions; Fresno Superior Court Case No. 03CECG04489 consolidated with No. 04CECG00577

Action Taken:

Invocation by Imam Seyed Ali from the Islamic Cultural Center
Pledge of Allegiance to the Flag

Ceremonial Presentations:

Presentation of the "Mayor's Business Recycling Awards" - Mayor's Office

- a. Proclamation of "AMERICA RECYCLES DAY" – Mayor Autry and All Councilmembers

Presentation of Resolution of Commendation to Sewer Maintenance Division for Safety Performance – Mayor Autry and City Manager Souza

Presentation of Life Saving Awards to Police Officer Valles, and Three Civilian Heroes, Paul Sanchez, Mike Gonzales and David Bejarano – Fresno Fire Dept., Mayor Autry and All Councilmembers

Council action on unscheduled items if any shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda. For each matter considered by the Council there will first be a staff presentation followed by a presentation from the project applicant. Testimony from those in attendance will then be taken. All testimony given will be limited to three minutes per person.

The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker. The green light will be turned on when the speaker begins. The yellow light will come on with one minute remaining and one tone will sound. The speaker should be completing the testimony by the time the red light comes on and two tones sound, indicating that time has expired.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve minutes of November 1, 2005

Action Taken:

Councilmember Reports and Comments

Action Taken

Approve Agenda

Action Taken:

Adopt Consent Calendar

Action Taken:

1. **GENERAL CONSENT CALENDAR**

(All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered at 2:00 p.m.

- A. Approve an agreement with Blair, Church, and Flynn Consulting Engineers for the design of the Marks Avenue sewer main between Whitesbridge and Nielsen Avenues – Public Works Dept.

Action Taken:

- B. * **RESOLUTION** – 40th amendment to AAR No. 2005-286 appropriating \$100,000 for a vehicle impact analysis on City streets (*Requires 5 affirmative votes*) – Public Works Dept.

Action Taken:

1. * Approve an agreement with Hilton, Farnkopf & Hobson in the amount of \$56,040 for the preparation of a vehicle impact analysis within the City of Fresno – Public Works Dept.

Action Taken:

- C. * Approve a cost sharing agreement with the County of Fresno for the installation of a new traffic signal at the intersection of Clinton Avenue and Ninth Street – Public Works Dept.

Action Taken:

- D. * Award a requirements contract to Hallowell Chevrolet Co., Inc. dba Hedricks Chevrolet, of Clovis for cargo vans – General Services Dept.

Action Taken:

- E. * Award a requirements contract to Hallowell Chevrolet Co., Inc. dba Hedricks Chevrolet, of Clovis for regular cab ½ ton trucks – General Services Dept.

Action Taken:

1. **GENERAL CONSENT CALENDAR CONTINUED**

- F. * Award a requirements contract to C.L. Bryant, Inc. of Fresno for motor oils and lubricants – General Services Dept.
Action Taken:
- G. * Award a contract for automated fixed-route scheduling, runcutting, rostering, and operator management software system from the Trapeze Group – Fresno Area Express
Action Taken:
- H. Approve appointment of Karen M. Snowden to the Housing Authority – Mayor's Office
Action Taken:
- I. * **RESOLUTION** - Authorizing the purchase of 196 X26 tasers for the Fresno Police Department without advertised competitive bidding – Police Dept.
Action Taken:
- J. * Approval of land lease between the City of Fresno and Federal Express for the development of a cargo facility adjacent to the new cargo ramp at Fresno Yosemite International Airport (FYI) – Airports Dept.
Action Taken:
- K. * Approve recast of previously approved agreement with Burgundy Partners, LLC. to accommodate two, separate corporations and a further \$3.5 million construction investment – Airports Dept.
Action Taken:
- L. * Adopt the Memorandum of Understanding (MOU) between the City of Fresno (City) and International Association of Firefighters (IAFF - Unit 5), covering the period January 1, 2005, through June 30, 2008 – Personnel Services Dept.
Action Taken:
1. * **RESOLUTION** – 9th amendment to Salary Resolution No. 2005-290 amending Exhibit 5, Fire Non-Management (IAFF)
Action Taken:
- M. * Adopt the Memorandum of Understanding (MOU) between the City of Fresno (City), and International Association of Firefighters (IAFF - Unit 10), covering the period July 1, 2005, through June 30, 2007 – Personnel Services Dept.
Action Taken:
1. * **RESOLUTION** – 11th amendment to Salary Resolution No. 2005-290 amending Exhibit 2, Section 2.2, Fire Management (IAFF)
Action Taken:
- N. **ITEM REMOVED FROM THE AGENDA**
- O. **BILL – (For introduction)** - Amending Section 2-1517.1 of the Fresno Municipal Code relating Special Police Protection – Personnel Services Dept.
Action Taken:
1. Adopt the Side Letter Agreement between the City of Fresno (City) and the Fresno Police Officers Association (FPOA) Police Non-Management (Unit 4), to be attached to the current Memorandum of Understanding (MOU) - Personnel Dept.
Action Taken:
- P. **BILL – (For introduction)** - Amending and adding Subsections (a) and (b) to 13-920 of the Fresno Municipal Code relating to sign violations on public property – City Attorney's Office
Action Taken:

2. **GENERAL ADMINISTRATION**

- A. * Extension of agreement for purchase and sale of real property and escrow instructions with Paynter Realty & Investments for land at Herndon and Brawley Avenues – Public Works Dept.
Action Taken:
- B. Approve strategies and recommendations for public awareness and increase in civil penalties for the use of illegal fireworks – Fire Dept.
Action Taken:
1. * **RESOLUTION** - 436th amendment to MFS Resolution No. 80-420 to add a citation for use of illegal fireworks fee under the Fireworks Section of the Fire Department
Action Taken:
- C. Approve the necessary documents to establish an Independent Police Auditor – City Manager's Office
1. * **RESOLUTION** - 10th amendment to Salary Resolution No. 2005-290 adding an Independent Police Auditor position, and establishing compensation rates and schedules for Fiscal Year 2006
Action Taken:
2. * **RESOLUTION** - 14th amendment to PAR No. 2005-287 establishing the position of an Independent Police Auditor for Fiscal Year 2006
Action Taken:
3. * **RESOLUTION** - 41st amendment to AAR No. 2005-286 appropriating \$80,000 for an Independent Police Auditor **(Requires 5 affirmative votes)**
Action Taken:

3. **CITY COUNCIL**

- A. Requesting an audit of all grants to the City relating to Parks and Recreation for the last four (4) years. Most interested in the following grants: Victoria West Park, Fink White Park and Lafayette Park – Councilmember Boyajian
Action Taken:
- B. Designate Council committee to select new City Attorney to include a designee from the City Manager's – Council President Dages
Action Taken:
- C. Council discussion and staff direction to consider renaming part or all of "M" Street to Independence Avenue – Councilmember Calhoun
Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS

- 9:00 A.M. A. **SCHEDULED COMMUNICATION**
1. Appearance by Nancy Omachi to discuss and request action relating to capital improvement funds for Camp Fresno
2. Appearance by William R. Milton, Sr. to discuss O.S.H.A. regulations relating to 2in/2out firemen entering a burning building
- B. **UNSCHEDULED COMMUNICATION** – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least ten (10) days prior to the desired date.

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

- 9:45 A.M.** Establish a task force to examine feasibility of implementing first source hiring agreements – Councilmember Sterling
Action Taken:
- 10:00 A.M.** **HEARING** to consider the vacation of a portion of E. Ashcroft Avenue at N. Sharon Avenue – Public Works Dept.
Action Taken:
a. * **RESOLUTION** – Ordering the vacation of a portion of E. Ashcroft Avenue at N. Sharon Avenue
Action Taken:
- 10:05 A.M.** **HEARING** to consider the vacation of a water main easement located south of Herndon between Forkner and West - Resolution of Intention (R.I.) No. 1047-D – Public Works Dept.
Action Taken:
a. * **RESOLUTION** – Ordering the vacation of a water main easement located south of Herndon between Forkner and West - Resolution of Intention (R.I.) No. 1047-D – Public Works Dept.
Action Taken:
- 10:10 A.M.** **HEARING** to consider the formation of a special tax district (Community Facilities District No. 11) and to authorize levy of a special tax
Action Taken:
a. **RESOLUTION** - Of formation to establish Community Facilities District No. 11 and to authorize levy of a special tax
Action Taken:
b. **RESOLUTION** - Calling special mailed-ballot election
Action Taken:
c. **RESOLUTION** - Declaring election results
Action Taken:
d. * **BILL** - Levying a special tax for the property tax year 2005-2006 and future tax years within and relating to Community Facilities District No. 11
Action Taken:
- 10:30 A.M.** Quarterly report on the progress of the West Fresno Workgroup on implementing the recommendations of the West Fresno Community Vision Plan – Councilmember Sterling
Action Taken:
- 10:45 A.M.** **HEARING** to consider Rezone Application No. R-05-50 and environmental findings, filed by Fancher Creek Properties, pertaining to 49 acres of property located on the northeast and southeast corners of S. Clovis Avenue and E. Tulare Avenue alignment (***Property located in District 5***) – Planning and Development Dept.
Action Taken:
a. Consider and adopt Environmental Assessment No. R-05-50, Finding of Conformity to MEIR No. 10130 for the 2025 Fresno General Plan
Action Taken:
b. **BILL** – Amending the Official Zone Map to rezone the subject property from the AE-5 (*Exclusive Five Acre Agricultural*) zone district to the C-3/UGM/cz (*Regional Shopping Center/Urban Growth Management/conditions of zoning*) zone district
Action Taken:
- 11:00 A.M.** **HEARING** regarding naming of softball field at Quigley Park in memory of Elmer Stokes – Councilmember Boyajian
Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

11:15 A.M. Discussion and approval of outlined recommendation regarding the utilization of fire sprinklers –Fire Dept.
Action Taken:

2:00 P.M. #1 **CONTESTED CONSENT CALENDAR**

2:00 P.M. #2 **CLOSED SESSION**

- A. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION -** Government Code Section 54956.9, Subdivision (a)
- 1. Case Name:** Caltrans v. City of Fresno (Spalding Wathen, Real Party In Interest); Fresno Superior Court Case No. SC 04CECG03559
Action Taken:

2:00 P.M. #3 **CLOSED SESSION ANNOUNCEMENTS (IF ANY)**

2:30 P.M. Presentation on the status of the Community Choice Aggregation Program – Public Utilities
Action Taken:

2:45 P.M. **HEARING** to consider Rezone Application No. R-04-106 and environmental findings, filed by Ingles Braun Associates on behalf of Lafferty Homes, pertaining to approximately 19.5 acres (net) of property located on the southeast corner of S. Armstrong and E. Hamilton Avenues (***Property located in District 5***) – Planning and Development Dept.
Action Taken:

a. Consider and adopt Environmental Assessment No. R-04-106/T-5413/C-04-322, Finding of Conformity to MEIR No. 10130 for the 2025 Fresno General Plan
Action Taken:

b. **BILL** – Amending the Official Zone Map to rezone the subject property from the AE-20/UGM (*Exclusive Twenty Acre Agricultural/Urban Growth Management*) zone district to the R-1/UGM (*Single Family Residential/Urban Growth Management*) zone district
Action Taken:

3:00 P.M. **HEARING** to consider Rezone Application No. R-04-107 and environmental findings, filed by Ingles Braun Associates on behalf of Lafferty Homes, pertaining to approximately 17.6 acres (net) of property located on the southwest corner of S. Temperance and E. Butler Avenues (***Property located in District 5***) - Planning and Development Dept.
Action Taken:

a. Consider and adopt Environmental Assessment No. R-04-107/T-5188/C-04-323, Finding of Conformity to MEIR No. 10130 for the 2025 Fresno General Plan
Action Taken:

b. **BILL** – Amending the Official Zone Map to rezone the subject property from the AE-20/UGM (*Exclusive Twenty Acre Agricultural/Urban Growth Management*) zone district to the R-1/UGM (*Single Family Residential/Urban Growth Management*) zone district
Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

3:05 P. M. **HEARING** to consider Rezone Application No. R-04-103 and environmental findings, filed by Owen Purdy on behalf of Robert and Margaret Simmerman, pertaining to 1.12 acres of property located on the east side of N. Chestnut Avenue between E. Gettysburg and E. Indianapolis Avenues **(Property located in District 4)** – Planning and Development Dept.

Action Taken:

a. Consider and adopt Environmental Assessment No. R-04-103, Finding of Conformity to MEIR No. 10130 for the 2025 Fresno General Plan

Action Taken:

b. **BILL** – Amending the Official Zone Map to rezone the subject property from the R-2-A/cz (*Low Density Multiple Family Residential/conditions of zoning*) zone district to the R-2-A (*Low Density Multiple Family Residential*) zone district

Action Taken:

3:15 P.M. **HEARING** to consider Rezone Application No. R-05-27 and environmental findings, filed by Robert and Mona Herman, pertaining to approximately 0.44 acre of property located on the north side of W. Calimyrna Avenue between N. Brawley Avenue and N. Figarden Drive **(Property located in District 2)** – Planning and Development Dept.

Action Taken:

a. Consider and adopt Environmental Assessment No. R-05-27, Finding of Conformity to MEIR No. 10130 for the 2025 Fresno General Plan

Action Taken:

b. **BILL** – Amending the Official Zone Map to rezone the subject property from the AE-5/UGM (*Exclusive Five Acre Agricultural/Urban Growth Management*) zone district to the R-2/UGM (*Low Density Multiple Family Residential/Urban Growth Management*) zone district

Action Taken:

3:30 P.M.#1 Appearance by Carol Scroggins to give an overview of a grantwriter project– Councilmember Duncan

Action Taken:

3:30 P.M.#2 **JOINT MEETING WITH THE REDEVELOPMENT AGENCY**

Approve Agency minutes of October 25, 2005

Action Taken:

A. **HEARING** to consider resolution of public interest and necessity for the acquisition of a fee interest from the following parcels of real property located on L Street in the City of Fresno: 468-271-04 owned by Avis and Diana Chilingirian Trustees, 468-271-21 owned by Avis and Diana Chilingirian, APN 468-271-05, owned by Lisa Melkonian, APN 468-271-06, owned by Holy Trinity Armenian Apostolic Church, and APNs 468-234-13 & 468-234-23, owned by Bradley V. Barisic and Frank M. & Margaret I. Voorhees Trustees, et.al., for public purposes to provide for the redevelopment, and authorizing eminent domain proceeding for public use and purpose (South Van Ness Industrial Redevelopment Area) **(Requires 5 affirmative votes)**

Action Taken:

1. * **RESOLUTION** - That the public interest and necessity require and authorizing eminent domain for acquisition of a fee interest from real property located on L Street in the City of Fresno: 468-271-04 owned by Avis and Diana Chilingirian Trustees, 468-271-21 owned by Avis and Diana Chilingirian, APN 468-271-05, owned by Lisa Melkonian, APN 468-271-06, owned by Holy Trinity Armenian Apostolic Church, and APNs 468-234-13 & 468-234-23, owned by Bradley V. Barisic and Frank M. & Margaret I. Voorhees Trustees, et.al., for public purposes to provide for the redevelopment, and authorizing eminent domain proceeding for public use and purpose (South Van Ness Industrial Redevelopment Area) (Requires 5 affirmative votes) **(Agency action)**

Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

3:30 P.M.#2

JOINT MEETING WITH THE REDEVELOPMENT AGENCY

- B.** Recommend Approval of an Amendment Number three (3) to the Original Owner Participation Agreement between the National Farm Workers Service Center, the City of Fresno and the Redevelopment Agency dated April 25, 2001 to authorize the construction of three affordable homes in lieu of a community center on remaining vacant land to complete the final phase of the Casas San Miguel Project **(Council and Agency action)**
Action Taken:

ADJOURN AGENCY

- 3:45 P.M. *** Award a five-year contract with optional extensions to West Coast Waste, Inc. of Fresno, Tule Ranch/Magan Ranch of Fresno, and Earthwise Organics, Inc. of Fresno for beneficial reuse of biosolids/green waste – Dept. of Public Utilities
Action Taken:

- 4:00 P.M.** **HEARING** to consider Plan Amendment Application No. A-04-01, Rezone Application No. R-04-03, and environment filed by State Center Community College District and Clovis Unified School District, pertaining to approximately 214 acres of property located north and south of the E. International Avenue alignment between N. Willow and N. Chestnut Avenues. The project also includes the detachment of the subject property from the Kings River Conservation District and the Fresno County Fire Protection District and annexation to the City of Fresno for which the Fresno County Local Agency Formation Commission (LAFCO) is the responsible agency **(Staff requests hearing be continued to December 6, 2005 at 10:00 a.m.)**
Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS

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|-------------|------------------|---------------------|---|
| Nov. | 9 – (Wed) | 3:00 P.M. | Presentation of Employee Service Awards in the Council Chambers with a reception immediately following – 2 nd floor foyer) |
| Nov. | 22 - | NO MEETING - | THANKSGIVING WEEK |
| Nov. | 29 - | 10:00 A.M. | HEARING re: Community Facilities District No. 2, Annexation No. 108, Tract No. 5278 |
| Nov. | 29 - | 10:15 A.M. | HEARING re: Community Facilities District No. 2, Annexation No. 107, Tract No. 5412 |
| Nov. | 29 - | 10:30 A.M. | HEARING re: American Baptist Homes of the West – Finance Dept. |
| Nov. | 29 - | 10:45 A.M. | HEARING to consider resolution of public use and necessity for the acquisition of Airport tenants' lease interests for the development of a new consolidated rental car facility at the Fresno Yosemite International Airport from the following parcel of real property located near the intersection of Clinton and Fine Avenues in the City of Fresno |
| Dec. | 6 - | 10:00 A.M. | CONTINUED HEARING to consider Plan Amendment Application No. A-04-01, Rezone Application No. R-04-03, and environment filed by State Center Community College District and Clovis Unified School District |
| Dec. | 13 - | 10:00 A.M. | HEARING re: Text Amendment No. TA-05-02, regarding the location of single family historic building and the interior side yard setback for key lots |
| Dec. | 13 - | 10:10 A.M. | HEARING re: Text Amendment No. TA-05-03, to add residential/commercial mixed use projects to the various commercial zone districts |
| Dec. | 13 - | 3:00 P.M. | HEARING (Dev.) |
| Dec. | 20 - | NO MEETING - | CHRISTMAS WEEK |
| Dec. | 27 - | NO MEETING - | NEW YEARS WEEK |
| Jan. | 3 - | 10:00 A.M. | HEARING re: the vacation of a portion of West Avenue south of Herndon Avenue – R.I. No. 1048D |
| Jan. | 3 - | 10:10 A.M. | HEARING re: Community Facilities District No. 2, Annexation No. 105, Tract No. 5414 |

(Future workshops – dates to be determined)

WORKSHOP – Follow-up discussion regarding Caltrans discussion held 12/7/2004